

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

Plaintiff

vs

- 1) OMAR MARRERO-CRUZ
(Counts 1, 2, 3, 4, 5, 6, 7 and 8)
- 2) CARLOS OLIVERAS-GONZALEZ
(Counts 1, 2, 3, 4, 5, 6, 7 and 8)
- 3) SAMUEL BRISTOL-MARTIR
(Counts 1, 6, 7, 8, 9, 10)
- 4) ALVIN FLORES-BOSQUEZ
(Counts 1, 6, 7, and 8)
- 5) FRANCISCO SANTIAGO-ALBINO**
(Counts 1, 9 and 10)
- 6) JAMIL AGUILA-BARRIOS
(Counts 1, 2, 3, 4, 5, 6, 7 and 8)

Defendants

CRIMINAL 05-0235CCC

O R D E R

Before the Court is defendant Francisco Santiago-Albino's Motion Requesting Arrest of Judgment, New Trial, Judgment Notwithstanding the Verdict and Other Matters filed on May 1, 2006 (**docket entry 273**), which is essentially based on claims already rejected by the Court and which are likewise rejected now for the reasons stated in the Court's Orders dated April 11, 2006 (docket entry 263)—containing a full discussion on an alleged speedy trial violation stemming from delays during trial and jury deliberations; May 1, 2006 (docket entry 271)—regarding the claims that the newly constituted jury could not deliberate as to co-defendant Omar Marrero-Cruz; and May 2, 2006 (docket entry 274)—addressing the misconduct of a juror who was replaced for conducting outside research and the incident concerning movant's spouse.

Movant's additional ground that no reasonable jury could have found him guilty lacks merit. The jury was able to view the video submitted by the government in its case-in-chief, and considered the testimony of Agent Canino and of defendant Santiago-Albino, adjudicating credibility issues regarding defendant's mere presence claim against him.

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Accordingly, movant's Motion Requesting Arrest of Judgment, New Trial, Judgment
Notwithstanding the Verdict and Other Matters (**docket entry 273**) is DENIED.

SO ORDERED.

At San Juan, Puerto Rico, on June 8, 2006.

S/CARMEN CONSUELO CEREZO
United States District Judge